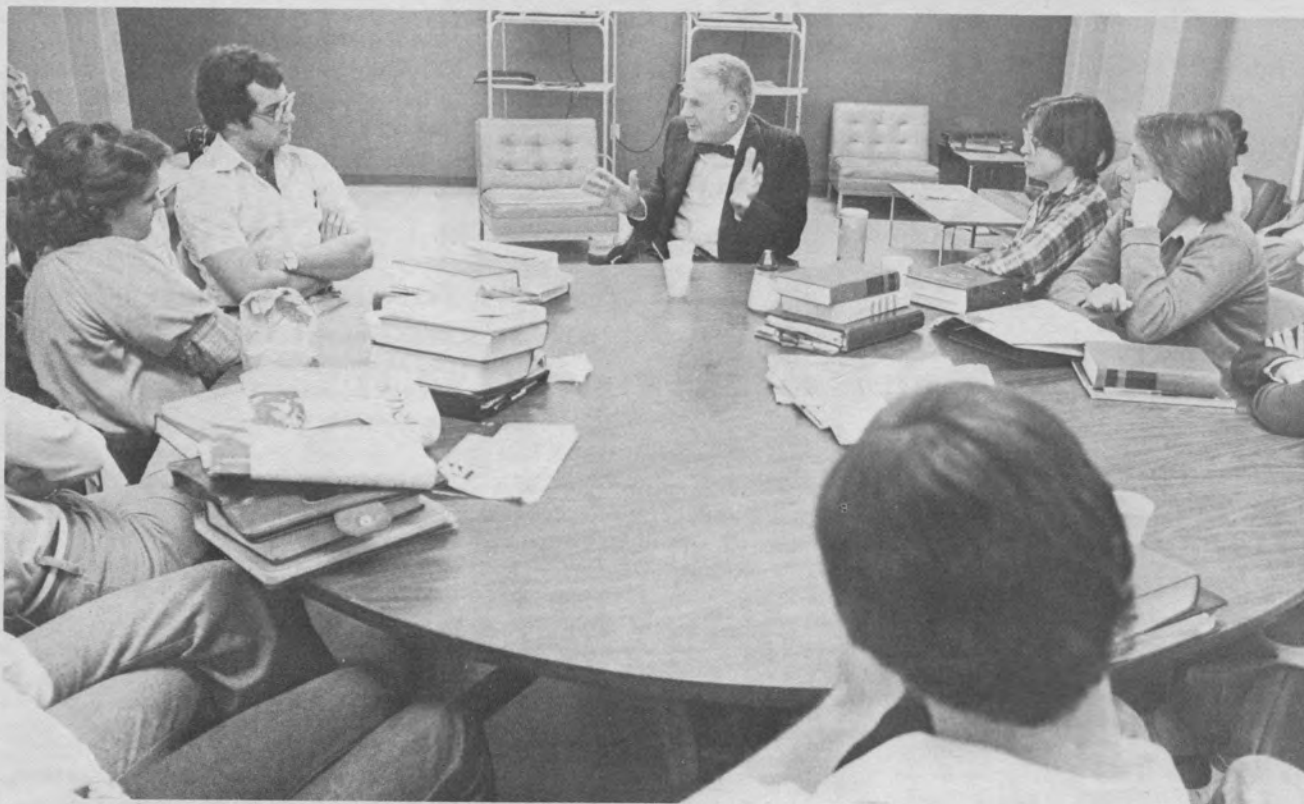


# the review

*of the College of Law Alumni Association  
University of Kentucky, Inc.  
Fall-Winter 1978*

Archibald Cox visits College of Law . . . captivates attention of students during this discussion period. (See page 4.)



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## Board of Directors, Law Alumni Association

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Many changes are occurring within the Law School and every effort is being made to report on these changes. There are, however, a great many other developments, both within and without the Law School, that are of interest to alumni, friends, faculty and students. Readers are therefore encouraged to submit items of general interest, of either news or commentary value, for publication.

## Announcing 1979 RECOGNITION OF MERIT AWARDS

sponsored by the  
**COLLEGE OF LAW ALUMNI ASSOCIATION, INC.**

Nominations may now be made for the first Annual Recognition of Merit Awards. The Board of Directors of the College of Law Alumni Association has established the following award categories:

**Outstanding Service to the College of Law**

**Distinguished Public Service**

**Superior Professional Achievement**

**Outstanding Achievement by a Young Lawyer**

A maximum of four awards will be made at the annual meeting of the Association May 24, 1979. All nominations require a minimum of five sponsors and must be supported by documentation of nominee achievement. Nominations will be reviewed by the Recognition of Merit Committee for recommendation to the full Board.

Nomination materials should be submitted by April 1, 1979 to:

**Chair, Recognition of Merit Committee**  
**College of Law Alumni Association**  
**University of Kentucky**  
**Lexington, Kentucky 40506**

## Letter from the Editor

Response to the last issue of *The Review* was by far the best ever! We at the College of Law are striving to keep our alumni informed, and appreciate your comments or suggestions concerning our efforts.

We thank those who sent words of praise, but we also want to encourage any ideas our readers have which they think would improve our publication.

Our best wishes are extended to you for 1979.

**Linda Carnes**  
**Editor, *The Review***



Archibald Cox, top, a special guest of the College of Law this fall, graciously gave of his time and wisdom to both students and faculty. During the evening lecture, top right, Cox spoke primarily of ethical problems lawyers face, saying, "Every lawyer is engaged in helping people live together, and often must substitute reason for power." At lower right the nationally recognized law authority is shown before the cameras at a news conference held for the media.



## Archibald Cox Delivers First Swinford Lecture

In a day-long meeting with students, faculty and members of the Kentucky Bar Association, Archibald Cox, professor at Harvard Law School, espoused his views about matters ranging from the recent Bakke decision to the role of the lawyer in today's society.

Cox, who visited and lectured at the College of Law on October 19, was the first guest in the Judge Mac Swinford Lecture Series. He began the day by talking with students and faculty in the student lounge and later held a press conference with the local media. He concluded his visit with an 8 p.m. lecture in Memorial Hall for students, faculty and members of the Kentucky Bar.

The lecture series, sponsored jointly by the College of Law and the Kentucky Bar Association, is named in honor of the late Judge Mac Swinford, who was U.S. District Court Judge for the Eastern and Western Districts of Kentucky beginning September 11, 1937. The theme for all the lectures, to be held biannually, will be "professional responsibility".

"Cox was selected as the first lecturer because of his vast experience and knowledge

in the field of law," said Dean Thomas Lewis.

B. M. Westberry, president of the Kentucky Bar Association, in his introductory remarks at the evening lecture, said the series is "a living memorial (to Judge Swinford) which would somehow inspire all of us to do bigger and greater things." In addition, Westberry said the lectures "are more fitting in his honor than any tangible memorial."

Cox spoke primarily about the ethical problems lawyers face, and encouraged attorneys to "preserve the independence to consider both what the client thinks (he) wants and what the other, long-term interests are—for the client and others."

Cox said he is "proud of our profession, and convinced that each of us can aspire to live within the law. In my view, the role of the lawyer is that of a conscious expert. Every lawyer is engaged in helping people live together, and (he or she) often must substitute reason for power."

The best lawyers, Cox said, specialize in close, imaginative analysis. He encouraged attorneys to use creativity in their work, and said that past and contemporary history is filled "with the creativity of which I speak."

He is concerned about the overcrowded dockets in our courts, the expense of litigation, and the tendency to file more and more lawsuits, but offered no concrete solutions. Cox did suggest that voluntary, do-it-yourself methods may be an answer to some of the legal problems today, but said that more participation and responsibility is needed by members of the neighborhood. "We must rebuild the old idea that man is not only responsible for himself, but for his neighbors also."

A great lawyer comes to understand men and women better than they may know themselves, Cox said. "The artist can see cathedrals in the clouds, but can't build a church without the mechanics. The lawyer must also be an architect and engineer. His unique tools are the capacity for logical development and pragmatic attention to solve the problems."

But Cox said he is aware that in describing the lawyer's role, he must consider the breakdowns and the power plays. "Yet, I think our ideal of the lawyer tells us what we are trying to do. Our aspirations are a part of us. If our reach exceeds our grasp, then to live greatly in the law lies in the endeavor."



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# College News

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## An Up-Date on the Progress of Our Building

Construction of the College of Law addition is moving along as scheduled, consequently changing life at the law school considerably.

A few recent changes include moving the student lounge to the vending area in the basement, abolishing the faculty lounge, and moving the first-year lockers into the former Student Bar Association office.

In addition, alterations have been made in the Spring class schedule which call for a number of classes to be held early in the morning and late in the afternoon. "Class scheduling had to be changed because rooms 215, 217 and 218 will not be usable," said Assistant Dean Paul Van Booven.

Because of the room shortage, several law school classes are being held outside the law building during the Spring semester. The Commerce Building, the Agricultural Experiment Station and the former Porter Memorial Church, all of which are less than a five-minute walk from the law school, are being used for classes.

Van Booven said he hopes that all Spring semester finals can be held at the law school, however.

So far, Van Booven said, students have

been "very good natured and understanding in the less-than-perfect scheduling."

The addition, which will contain needed library space and some additional classroom and office space, will add about 25,200 gross square feet to the law building. Constructed at a cost of more than \$1.75 million, it is scheduled for completion in August 1979.

The new portion is being added to the southern side of the building and will include a front entrance which will face Limestone Street. The additional space will be used to increase the library by about one-third, add one classroom and one seminar room, as well as student and faculty office space.

The added 9,000-10,000 square feet of library space will increase total seating capacity above the American Association of Law Schools' recommendation of 65 percent, said William James, College of Law librarian. There will be 95 locked carrels, 38 open carrels, and table seating for 182 people. Also, the library will have a new volume capacity of 173,173.

In efforts to increase shelving space, the library has begun a policy of replacing little-used hard copy material with microforms,

James said. Whenever feasible, the library is also purchasing material in microform, such as U.S. Supreme Court Records and Briefs for full opinion cases and U.S. Congressional bills.

"In addition, for the first time, the library will have adequate office and work space for the library staff," James said.

The library has on request a book theft detection system which is expected to be installed in the remodeled library. The University library has requested funds to install an automated circulation system. As a part of that network, the law library will participate in this system when it becomes available. "The acquisition of these systems will help the library improve its service to users," James said.

"Colors to be used in the law building addition, which were selected by the architects, include shades of browns, tans and whites, Van Booven said. Orange carpet will be used in the student lounge, faculty lounge and on the first floor of the library. Grey carpet has been chosen for the basement. In addition, two wall murals of suede-like material will be hung in the lobbies of the ground and first floor."



Despite the bad weather, the Law addition takes shape as construction moves along on schedule. Completion is targeted for August.

## Changes made in Law Journal Candidacy Program

The current editorial board of the *Kentucky Law Journal* has substantially altered the *Law Journal's* candidacy program.

Fall 1978 candidates were required to write a short comment on a case selected by the Comments Editor, John Wharton, instead of the traditional "comment." Writing a traditional comment required each candidate to select his or her own topic.

Approximately four candidates write on the same case, and since the exercise is used solely to determine the applicant's research and analytical skills, any or all of the candidates could be chosen. The candidates are required to research sources relevant to the case and write a "case comment" with an absolute 10-page maximum.

"The page limit forces candidates to be concise," said Drake Cutini, editor-in-chief, "and emphasis is placed on critical thinking." Total time for the candidacy program has been reduced from seven weeks to three. Candidacy comments are not considered for publication.

"The new method provides us with a reliable indicator of the student's writing and research ability, while simultaneously reducing the burden on the candidates and the waste involved in the prior method," Cutini said.

In connection with the change in the candidacy program, the writing requirement also has been changed for students already on the *Journal*. In the past, students were required to write one note and two comments, one of the comments being the candidacy comment. Since the candidacy comment has been eliminated, each student is required to write one comment and one note, Cutini said.

This year the *Journal* is trying to publish all student works in an attempt to create more student participation and to improve the educational function of the *Journal*, Cutini said. Each student will be closely supervised by the student editors. Topics must be approved before the students begin writing and a formal system of re-writing ensures that each student will re-write his or her own article.

Second-year students recently selected as members of the *Journal* include: William Birdwhistell, Craig Bradley, Philip Collier, Steven Connelly, Catherine Cundiff, Kay Donoho, Kim Greene, Geoffrey R. Morgan, Jeff Ockerman, Nancy Ray, William Rigsby, Tom Skalmoski, Bill Spicer and Carl Stich.

## Student Achievements

A law student tutorial program and a telephone pledge drive to solicit funds for scholarships are among programs planned by the new Student Bar Association administration.

Both programs, like others planned by the new officers, are geared toward helping students, said SBA President Shirley Cunningham, a second-year student from Cadiz, Ky.

"We were elected to represent the students and we want to do as many things as possible to benefit the most students," Cunningham said. "We also want to become a more integrated organization involving the whole student body and direct students into something other than study."

Cunningham, who served as student government president at Tennessee State University, said he intends to continue many

of the previous SBA programs, such as the weekly noon forum, but hopes to add some programs to benefit the community. His ideas include holding seminars to help educate the community on the law, and instituting a prison book drop.

Installed on October 18, the new SBA officers are: Keith Shannon, vice president; Karen Caldwell, secretary; Wendy Bryant, treasurer; John Felde, first-year representative; Paul Calico, second-year representative; and Jim Harralson, third-year representative.

Terrie A. Issac, a third-year student from Lexington, has been appointed one of three ABA Lieutenant Governors for the Law Student Division Sixth Circuit. The position involves significant administrative duties and periodic travel around the Circuit, representing the Division.



Members of the 1978 - 79 National Moot Court Team are, from left, Darlene Ross, Ashland; Mike Kown, Carterville, Ill.; Sara Donaldson, Eminence; Cindy Cecil, Louisville; Jon Ohlman, Louisville; and Debbie Poore, Hodgenville.

### CALENDAR OF CLE PROGRAMS—1979

Date	Subject	Date	Subject
Feb. 16-17	Trial Techniques and Evidence	Aug. 24-25	Bankruptcy Law (New)
March 9	Workshop for Legal Secretaries	Sept. 14-15	Trial Advocacy
April 20-21	Workmen's Compensation	Oct. 12-13	Mineral Law
June 15-16	Civil Procedure	Nov. 2-3	Appellate Practice and Procedure
July 13-14	Estate Planning (Lexington)	Dec. 13-14	General Practice Skills
July 27-28	Estate Planning (Paducah)		

Except as indicated, all programs will be held in the Courtroom of the Law Building.

## ERRATA

In the Class of 1977 listing in the Summer issue, we mistakenly listed Lee Oliphant as working with the firm of Lowry and Linblad in Paducah. Neal Oliphant, whose name was omitted, is actually with that firm. Lee works for Central Kentucky Legal Services in Lexington. We regret the error.



# Faculty Notes

**GERALD G. ASHDOWN**, Assistant Professor of Law

**Article:** "Media Reporting and Privacy Claims—Decline in Constitutional Protection for the Press," 66 *Kentucky Law Journal* 759 (1978).

**Article:** Kentucky Law Survey—"Torts" (with Paula Hoskins), Volume 67, *Kentucky Law Journal*, Spring 1979.

Participated in Medical Ethics Conference sponsored by Medical Center and Ephraim McDowell Career Research Center, October 1978.

**JOHN R. BATT**, Professor of Law

**Article:** With Dr. William Weitzel, "The Persuasion of Law Students to a Psychiatric Perspective." To be published in the *Bulletin of the Academy of Law and Psychiatry*.

**Article:** With Dr. Cornelia Wilber and Dr. Gerald Drew, "The Etiology of Multiple Personality."

**CAROLYN S. BRATT**, Assistant Professor of Law

**Article:** "Homestead Exemptions and Cooperative Apartments," Issue No. 4, *University of Illinois Law Forum* (to be published).

**Member:** Special Advisory Committee to Revise the Kentucky Constitution.

Spoke at a conference sponsored by the UK Department of Philosophy under a grant from the Kentucky Humanities Council on Pornography and the Community (October 12, 1978).

**RUTHEFORD B. CAMPBELL**, Associate Professor of Law

**Article:** "Voluntary Recapitalization, Fairness and Rule 10b-5: Life Along the Trail of Sante Fe," 66 *Kentucky Law Journal* 267 (1977).

**Article:** "The Plight of Small Issues Under the Securities Act of 1933: Practical Foreclosure from the Capital Market," 1977 *Duke Law Journal* 1139.

Testified in April, 1978 before the Securities and Exchange Commission during the Commission's hearings on the special problems of small companies.

**JOHN H. GARVEY**, Assistant Professor of Law

**Article:** "The Attorney's Affidavit in Litigation Proceedings," 31 *Stanford L. Rev.* No. 2 (1979).

**Article:** "Judicial Consideration of the Delegation of Legislative Power to Regulatory Agencies in the Progressive Era," 12 *Indiana Law Journal* No. 1 (October 1978).

**KENNETH B. GERMAIN**, Associate Professor of Law

**Article:** "Sears/Compco Revisited: May Products and Packages Be 'Simulated' in the Late Seventies?," 1978 *American Patent Law Association Bulletin* 160.

**ALVIN LEE GOLDMAN**, Professor of Law

**Book:** *Labor Law and Industrial Relations in the U.S.A.* To be published by Kluwer Publishers in December. The material in this book also will be published by the same company as the monograph on American employment law in the *International Encyclopedia for Labour Law and Industrial Relations*.

**Lecture:** "Recent Decisions of the NLRB and the General Counsel," delivered on November 17 to the 1978 Midwest Labor Law Conference in Cincinnati, Ohio.

**WILLBURT D. HAM**, Professor of Law

**Article:** "Corporations," *Kentucky Law Survey*, Vol. 66.

**WILLIAM JAMES AND JOHN R. BATT**, Co-authoring

**Article:** "The Family Law Decision-Making Process: An Annotated Law, Psychiatry and Policy Science Bibliography," to be published.

**ROBERT G. LAWSON**, Professor of Law

**Recently completed:** final four chapters of *Handbook on Kentucky Evidence Law*, to be published about November 1.

**Article:** "Presuming Lawyers Competent to Protect Fundamental Rights: Is it an Affordable Fiction?," 66 *Kentucky Law Journal* 459 (1978).

**Article:** "Evidence," appeared in "The Kentucky Law Survey," 66 *Kentucky Law Journal* 583.

**Member:** Committee for Revision of the Criminal Rules of Procedure, initiated by the Kentucky Judicial Conference and appointed by the Chief Justice of the State Supreme Court. The committee is in the process of considering proposals for wholesale amendment to criminal rules.

**Speaker:** "Important Judicial Decisions Under the Kentucky Penal Code," delivered June 16, 1978, at a seminar for the Continuing Legal Education program at the UK College of Law.

Testified before the Statutes-Judiciary Committee of the Kentucky General Assembly, at the Committee's request, to discuss with committee members the advisability and feasibility of adopting for Kentucky a code of evidence law.

Lectured in October on evidence and criminal law at the Circuit Judges' Judicial College in Louisville.

**JOHN LEATHERS**, Associate Professor of Law

Administration Law Judge for the Department for Natural Resources. The position includes hearing cases involving violation of strip mine laws and surface effects of deep mines.

**LINDA J. PELTIER**, Assistant Professor of Law

Panelist and panel moderator at a workshop on Ethical Problems and Decisions in Cancer Patient Care, Saturday, October 21, 1978.

**Work in progress:** Co-authoring Kentucky Law Survey article on Commercial Law (with Susan Coleman).

**JOHN ROGERS**, Assistant Professor of Law

Presented oral argument before the Fifth Circuit in New Orleans on October 11 on behalf of the Secretary of HEW in *Alabama Hospital Association v. Califano*, a case dealing with federal jurisdiction and asserted due process rights for hospitals in Medicare coverage disputes.

**STEPHEN J. VASEK**, Associate Professor of Law

**Speaker:** Estate Planning for Farmers Seminar, Spindletop Hall, November 30, 1978.

**Article:** "Hidden Penalty for Failure to Withhold and Payover Taxes on Employee Wages", to be published in next issue of *Kentucky Law Journal*.

**Article:** "Sales of Property as an Estate Planning Technique," in progress.

**Participant:** ABA Seminar on East-West Detente, New York City, August, 1978; ABA Seminar on Contemporary International Relations: "The Challenge to International Law," San Diego, December, 1978.

**CARROLL D. STEVENS**, Assistant Dean for College Relations

**Lecture:** "Recruiting, Compensating and Training the New Associate," Seminar on Law Office Management, UK College of Law, November 1978.

**Lecture:** "Trends in the Legal Profession," Western Kentucky University, October, 1978.

**Appointments:** National Consulting Faculty, National Association for Law Placement; Committee on New Lawyers, American Bar Association General Practice Section; Task Force on Accreditation Standard 212, American Bar Association Young Lawyers' Division.



# DEAN'S BRIEF

Life at the College of Law has been dominated this Fall by work on the building addition. Events more pleasant than this have been numerous—for example, the inauguration of the Judge Mac Swinford lectures; the annual meeting of the Southeastern Conference of the Association of American Law Schools, for which we were host; the baptism into law teaching of four excellent new faculty members, and an alumni reception during homecoming that I believe set new records for attendance and conviviality.

But the ever-present work on the building has dominated all else. Progress has been visible and impressive almost on a day-to-day basis. But faculty, staff and students have had a trying semester as the workers unavoidably create noises and disruptions which make teaching difficult and general working conditions less than ideal.

If you can imagine someone sledge-hammering from outside-in on your office wall you will have an idea of my meaning. Nevertheless, all have borne the difficulties in reasonably good humor, and all but our special victims of timing—the third-year students—can at least find comfort in the very substantial improvement the addition will make in the school's environment.

As you may know, the bulk of our expanded quarters will be given over to our growing library. The expansion is not to accommodate a larger student body, but to accommodate adequately—and in accordance with accreditation standards—the existing student enrollment which has been held at a roughly constant level for several years.

The library had become critically short of space both for student seating and book shelving. The seating problem goes back to an expansion of student enrollment many years ago; the book shelving problem is an inevitable product of recorded law's growth and development.

Some of you who have not toured the College of Law's Evans Library may not fully appreciate the major operation that it has become. Many of you can remember with me a library lovingly managed by Dorothy Salmon, and housed in a space smaller than one level of the existing library. She assembled a carefully chosen collection that has since been tripled by equally careful management. Technological advances have made possible other improvements and services that were unknown to even the largest earlier libraries. Examples are installation of a Lexis terminal for computerized research and a strong media library.

The current budget of the library is \$326,291 and its staff numbers nine, including four professional librarians. Some idea of the law's growth is provided by the fact that 85 percent of the book acquisition budget has been needed to keep existing materials current!

Some idea of the management required by the library is provided by knowing that volumes exceed 159,000 and that an annual growth of over 5,000 volumes is essential to the currency of the collection. To conserve space, material that is necessary but infrequently used is now obtained in a micrographic format when available. The total volume equivalent of our micrographics is 33,500. With this kind of reliance on micrographics we hope the enlarged library will be adequate to house continuing growth for at least 12 to 15 years.



Thomas P. Lewis, Dean, College of Law

The library has not been immune to the plague of inflation. Indeed, book costs have been rising at a greater rate than general living costs. This has placed new acquisitions under special pressure as available funds are more and more needed simply to keep the existing collection up to date. But we remain dedicated to the proposition that every effort must be made to permit the library to continue its steady qualitative growth.

The Evans Library represents a tremendous past and continuing financial commitment. While it provides the core of the College's educational function, the library is a valuable resource for the Commonwealth as well. It is by any measurement the most complete legal research center in Kentucky and members of the Bar are invited and welcome to use it—and to call upon its professional staff for assistance when confronted with problems that out-distance normally available resources.

A stylized, handwritten signature of Thomas P. Lewis in dark ink.

Thomas P. Lewis  
Dean

# The Impact of Kentucky's New CLE Rule

By Linda Carnes

For a number of years Kentucky lawyers have debated whether or not some form of continuing legal education should be made mandatory for members of the bar.

The pros and cons of such a program are quite obvious. On the one hand, it is argued that lawyers must keep abreast of changes in the law in order to adequately serve their clients, and that a mandatory program is the only effective means of achieving such a goal. On the other hand, many lawyers balk at the thought of having to attend classes in order to continue practicing law.

Because of this divergence of opinion on the subject, Kentucky has been reluctant to pass a strict requirement for its lawyers, even though a 1977 survey of the state's attorneys revealed that 58 percent favored "requiring all lawyers, with certain exemptions for age, etc., to obtain annually a determined number of hours of continuing legal education to retain a law license."

## "Voluntary" Continuing Education Program

However, as a compromise, the Supreme Court of Kentucky—pursuant to the recommendations of the Board of Governors and the Continuing Legal Education Committee of the Kentucky Bar Association—has adopted a detailed "voluntary" continuing legal education program for members of the Kentucky bar. The program became effective on July 1, 1978.

Details of the program are contained in the new Supreme Court Rules 3.610 - 3.690, which provide for a Continuing Legal Education Commission under the direction of the Supreme Court and the KBA's Board of Governors. The commission is made responsible for regulating the continuing legal education programs for members of the bar.

The voluntary program is much like a mandatory one that was considered by the KBA's Board of Governors in July, 1976, said John K. Hickey, UK Director of Continuing Legal Education.

Hickey said the resistance to the mandatory plan was surprising to him, but that the voluntary plan breezed



John K. Hickey, above, UK Director of Continuing Legal Education, said "The voluntary program is much like a mandatory one that was considered by the KBA's Board of Governors in July, 1976."

through the KBA's Board of Governors after being recommended by the Continuing Legal Education Committee, chaired by UK Dean Thomas Lewis. Hickey said he had hoped the voluntary plan would increase the interest of Kentucky's lawyers in attending continuing legal education seminars, but so far, he pointed out, there has been little increase in participation at such seminars conducted by UK's Continuing Legal Education Program.

## "Good Response to Our Program"

"We think there has been good response to our program, but we would like to reach lawyers we never hear from. I don't know how those lawyers can keep up with changes unless they do a lot of self-study. Our experience has been that the better prepared lawyers seek out education, while the poorest prepared lawyers tend not to attend anything," Hickey said.

"It's difficult to generalize about the attendance at UK's continuing legal education seminars," Hickey said, "because attendance varies according to the particular program subject, from 35 to 250 people. But we do not reach as many lawyers as we would like." (There are approximately 6,500 members of the Kentucky bar.)

## Lawyers Must Keep Up With Change

"There are so many fields that are changing that lawyers can't afford to practice unless they keep up with those changes. Those who don't keep up are running a real hazard," Hickey said.

In addition to UK's monthly continuing legal education programs, the University of Louisville Law School offers several programs during the Spring and Fall, and Chase Law School offers occasional programs.

At UK's seminars, the approach is generally the current state of the law, he said. "We've found that attorneys don't want to hear a speech, but want to learn something they can use in their offices within the next month." Instructors for the seminars are predominantly practicing lawyers who are



experienced practitioners in the area.

UK began a formalized series of programs and courses in continuing legal education in August, 1973, with the first seminar, on bankruptcy, held on October 12-13, 1973. In November, 1973, Hickey and a small staff were employed to direct UK's continuing legal education program.

At the time of the program's inception, then Dean of the UK College of Law George W. Hardy, said in an article published in the April, 1976 edition of *Bench & Bar*, that two post-admission needs of lawyers must be met by continuing legal education.

### Need for Currency in Basic Law Areas

"One is the need for currency or keeping abreast of change in basic areas of the law. In Kentucky we have only to reflect upon fairly recent changes and developments in the law of 'no fault' divorce, 'no fault' insurance, a new criminal code, corporation law, bankruptcy, federal rules of evidence and pension reform to impress the urgency of this consideration upon us," Hardy pointed out.

"Second, there exists a high degree of *de facto* specialization in modern law practice. Whether we formally recognize this development by the creation of specialty boards, recertifications or designation, as has been in some states, we nevertheless must not refuse to see what is happening. Lawyers in Kentucky do specialize, sometimes knowingly and deliberately, but often by chance. In any event the specialist has a particular need for continuing legal education which must be met if he or she is to compete effectively with other qualified specialists."

Then, and now, Kentucky is not the only state to be concerned with continuing legal education. More than 40 states have organized statewide programs of continuing legal education. Their organization, scope, duration and experience vary but a common denominator may be found in the fact that they are active, viable, centrally-directed programs dedicated to the common objective of "promoting legal competence."

Seven states, including Iowa, Wyoming, Minnesota, Wisconsin, Washington, North Dakota, and Colorado have adopted mandatory continuing legal educational requirements for their attorneys.

### Three Types of Organization

Organization of state continuing legal education entities generally falls into one of three types, although some variations are found. In some states the State Bar Association directs and operates the program. Examples of this type may be found in Arizona, Idaho, Florida, Kansas, and Texas. Nonprofit institutes have been successfully utilized in a number of states including California, Illinois, Ohio, New Jersey and Pennsylvania.

Another organizational arrangement commonly employed is for one or more law schools to develop a statewide program in cooperation with the State Bar Association. This is the approach taken in Iowa, Louisiana, Michigan, Minnesota and Wisconsin.

Hickey said no particular organizational structure seems obviously superior to another. Each seems to work well in a particular environment provided there is cooperation and support by other existing legal entities, particularly the State Bar Association.

Although Kentucky, like a number of other states, has established a continuing legal education program, it has not

yet been made mandatory, but Hickey predicts that it may be in the future.

"Our recently adopted voluntary plan could be made mandatory by changing a few words in the rule. I think the thinking of bar association members was that the voluntary plan would be tried first and then the response could be gauged to determine whether a mandatory plan is needed."

The newly appointed Continuing Legal Education Commission of the Kentucky Bar Association will probably help make such decisions. The Commission, under the policy direction of the Supreme Court and the KBA Board of Governors, is now responsible for regulating continuing legal education programs for members of the Kentucky bar.

Commission members appointed on September 7 are: William D. Overbey, Murray; Reford H. Coleman, Elizabethtown; Walter Patrick, Lawrenceburg; William P. Mulloy, Louisville; W. R. Patterson, Jr., Lexington; Arnold S. Taylor, Covington; and Henry D. Stratton, Pikeville, chairman.

### New Supreme Court Rules

The new Supreme Court Rules creating a voluntary continuing education program for members of the bar residing in and outside the Commonwealth provide:

- The continuing legal education commission shall consist of seven attorneys one of whom shall be from each appellate district of the state and appointed by the Court from a list submitted by the Board of Governors.

- The commission shall be staffed with an assistant director for continuing legal education and sufficient administrative and secretarial assistants appointed by the Board of Governors.

- The commission, subject to approval by the Court and Board of Governors, shall inquire into and establish satisfactory procedures to ascertain the quality of courses, sponsors of courses, and standards observed in continuing legal education offered to members of the Association as well as:

- Accredit, or deny accreditation to, for the purpose of meeting attendance standards of these rules, any institution or continuing legal education course conducted within or without the Commonwealth.

- Foster and encourage the offering of quality courses of continuing legal education by qualified sponsors to members of the Association at reasonable tuition or registration fees.

- Each member of the Association who shall attend a minimum of 60 hours of approved CLE within a three-year period shall qualify for the Continuing Legal Education Recognition Award consisting of a dignified certificate which attests to the educational accomplishment.

- Each member who holds a valid, unexpired award shall receive a 25 percent discount of the normal registration fee for the Kentucky Bar Association Annual Convention.

- Annually the Association may publish in the *Kentucky Bench & Bar* and leading daily newspapers of general circulation throughout the state an announcement of the members who during the preceding educational year have earned the Continuing Legal Education Recognition Award.

- Members who have qualified for the Continuing Legal Education Recognition Award by attending approved courses in a specialized area of law may announce their achievement in a paid classified advertisement in the *Kentucky Bench and Bar*.

# Alumni News



John E. Miller

**John E. Miller '12**, Senior United States District Judge for the Western District of Arkansas, is one of the oldest living alumni of the College of Law. His career has included a number of remarkable professional and political achievements.

Born in 1888 in Stoddard County, Missouri, Miller began teaching in local rural schools at the age of 16. He attended Valparaiso University in Indiana before enrolling in the University of Kentucky's Law Department (as it was then called).

Shortly after graduation from Law School in 1912, Judge Miller began practicing law in Searcy, Ark. He was soon elected City Attorney and was chosen as White County's Delegate to the Arkansas Constitutional Convention of 1917-18. In 1919 he took office as prosecuting attorney for Arkansas' First Judicial District.

In 1930 his career began to focus on national affairs, when he ran for and was elected to the U.S. House of Representatives from the Second Congressional District of Arkansas. He rose to important positions on the House Committees on Banking and Currency, Claims, Insular Affairs, and the Judiciary, and authored several bills that later became law, notably on matters of flood control.

When Arkansas Senator and Democratic Floor Leader Joe T. Robinson died in 1937, Representative Miller was chosen in a special election to succeed him. In the Senate, he served on the Judiciary Committee, the Committee on Rules and the Committee on Banking and Currency. He ultimately became chairman of a Judiciary sub-committee that

had responsibility for legislation affecting procedure in the federal courts.

On Jan. 31, 1941, Senator Miller was nominated by President Franklin D. Roosevelt as District Judge for the Western District of Arkansas, succeeding the late Heartsill Ragon.

Judge Miller has been honored widely by civic, educational and bar institutions for his long and dedicated public service. He has honorary Doctor of Laws degrees from the University of Arkansas and Harding College. The Sebastian County (Arkansas) and the Arkansas Bar Association have awarded him special commendations, as have the International Academy of Trial Lawyers and the Southwestern Legal Foundation.

In December 1963, he was presented the Distinguished Alumni Award by the University of Kentucky Alumni Association.

Judge Miller assumed the status of Senior U.S. District Judge in February of 1967 and still serves in that capacity. The position of respect he enjoys in the Southwest is a source of pride to UK lawyers everywhere.



Clarence E. Barnes

Tax Court Litigation, General Litigation, Refund Litigation and Criminal Tax matters. He supervises approximately 20 attorneys engaged in trial work and other tax activities connected with representation of the Commissioner of Internal Revenue. He is also responsible for coordination of federal tax matters with the United States Attorneys in Southern Ohio and the State of West Virginia.

Barnes, who received a B.A. degree from UK in 1947, is a member of the Kentucky Bar Association, and is admitted to practice before the Supreme Court of the United States. He served in World War II as a flier (B-24s) in the South Pacific.

He lectures frequently on federal tax subjects at various law schools in Kentucky, Ohio, Michigan, Indiana, and West Virginia. He has been Regional Counsel's representative for local and state Bar Liaison activities in Cincinnati for approximately 10 years.

Prior to being appointed District Counsel, Barnes was Staff Assistant to the Regional Counsel in Cincinnati, handling large Tax Court cases and other assignments in that five-state region. His assignments included teaching as lead instructor in a trial training program held bi-annually in Washington, D.C. for new IRS trial attorneys.

Prior to his appointment as a Chief Counsel attorney in 1965, he was a Judge Advocate Officer in the U.S. Air Force. His assignments included United States representative on NATO, Status of Forces matters in London, England, Executive Officer to the Judge Advocate General of the Air Force at the Pentagon, and Associate Professor of Law for

(Continued)

**Oliver Walter Cain '23**, has been granted honorary lifetime membership in the Kentucky Bar Association. Mr. Cain is a graduate of Richmond College, now Eastern Kentucky University. He served as superintendent of Johnson County Schools from 1926 until 1930 when he became an investigator for the Civil Service Commission in Washington, D.C. He returned to Paintsville in 1959, where he still maintains an active practice.

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The Cincinnati law firm of Kyte, Wulsin and Vogeler has merged with Frost and Jacobs of that city. The new firm will bear the name of Frost and Jacobs. **Alan Vogeler '40**, **J. Leland Brewster II '57** and **Gary L. Herfel '69** are members of the firm.

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**Robert F. Houlihan '41** has joined Stoll, Keenon and Park as a partner and **Lee G. Langston '71** as an associate. Houlihan was formerly General Counsel for the Kentucky Department of Banking and Securities.

\*\*\*

**Clarence E. Barnes '50** has been appointed District Counsel in Cincinnati, for the Internal Revenue Service. He has responsibility for handling the legal aspects of federal tax administration for Southern Ohio and the State of West Virginia. This includes federal

## Alumni (continued)

five years at the U.S. Air Force Academy in Colorado.

Ed is a native of Louisville and is married to the former Wanda Clay Scrivner of Lexington. They have a married son and a married daughter and another son in high school.

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**C. McChord Carrico '66**, formerly an Assistant General Counsel for Iowa Southern Utilities, has been named General Counselor for Leggett and Platt in Winchester, Kentucky.

\*\*\*

**Morell Eugene (Gene) Mullins '67** is currently Associate Solicitor for the Mine Safety and Health Division of the U.S. Department of Labor in Washington, D.C. He was a lecturer at the recent seminar on Mineral Law.

\*\*\*

**Gerald E. Benzinger '69** was awarded the status of Diplomat of the Court Practice Institute following an August Trial Advocacy Seminar in Chicago.

\*\*\*

**David G. Powell '70** has been named Executive Assistant to S. David Freeman, Chairman of the Board of the Tennessee Valley Authority.

\*\*\*

**Rosemary Faith Center '76** has been appointed Wolfe County Attorney. As far as we can determine, she is Kentucky's first woman County Attorney.

\*\*\*

**Daniel C. Hicks '76**, former law clerk to Judge J. Gregory Bruce of the U.S. Tax Court, is now associated with the Hopkinsville, Kentucky firm of Keith and Myers.

\*\*\*

**John Stewart '76** has been named an Assistant Commonwealth's Attorney in Jefferson County.

\*\*\*

**Thomas L. Rouse '78** is now associated with Conner, Purdon, Ashcraft, McCoy, Williams and Rouse, P.S.C. in Erlanger, Kentucky.

## Deaths

**Hugh Kelley '13**, August 14, 1978, in Los Angeles, California.

\*\*\*

**John S. Deering '16**, Nicholasville, Kentucky, November 1978.

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**Alvin Lisanby '20**, December 21, 1977, in Princeton, Kentucky. Mr. Lisanby was Princeton city attorney and Caldwell County attorney for six years, and the Commonwealth's Attorney for the 4th Judicial District for 24 years.

**Courtney C. Wells '37**, Hazard, Kentucky.

\*\*\*

**Dale R. Booth '46**, a U.S. Magistrate for the Western District of Kentucky, died suddenly August 7, 1978, in Louisville.

\*\*\*

**Gladney Harville '50**, a partner in the Lexington firm of Stoll, Keenon and Park, and a member of the Kentucky Board of Bar Examiners, in Lexington following a lengthy illness.



Thaxter Sims

**J. Thaxter Sims '27**, prominent Robertson County and Harrison County attorney, died October 17 in Lexington following a brief illness.

Sims served as Robertson County attorney from 1930-1933. In 1933 he joined with two other Harrison County practitioners to form the law firm of Swinford, Swinford & Sims. His partners were the late M.C. Swinford and the late Judge Mac Swinford. At the time of his death, he was associated with Ron Mahoney, David Melcher and John Swinford in Cynthiana. His law partner in Mount Olivet was a nephew, John David Sims.

A member of the Harrison County Bar Association, the Kentucky Bar Association, the ABA and the Cynthiana Rotary Club, Sims was also active for years on the Harrison County Democratic Committee. He served as delegate to the National Democratic Convention in 1932, 1960, 1964 and 1968.

## WASHINGTON AREA LAW ALUMNI GATHER

On May 19, several Washington, D.C. area UK lawyers attended a reception for Dean Lewis and Professor Oberst who were in Washington for the Annual Meeting of the American Law Institute. About 40 persons

attended the reception held in the Washington offices of Ashland Oil, Inc. on Connecticut Avenue. Harry D. Williams '66 is Director of that office.

## LAW FUND ACTIVITY GETS BOOST FROM GIFTS AND BEQUESTS



John G. Heyburn II

At the end of November, College of Law Fund totals are markedly ahead of those registered at the same time last year, according to 1978 Fund Chairman Charles Adams. The number of donors is up almost 40 percent and the total dollars given almost \$3500.

"We fully expect December and January to be our most successful months, as they were last year," Adams said. "If we continue the present rate of increase over last year, we might well hit the \$50,000 mark." The College of Law Fund Steering Committee, composed of Chairman Adams, Law Alumni President Charles English, Cawood Smith, Dick Bush and John G. Heyburn, II, is assisted this year by over 80 volunteers serving as Class and Area Agents.

"The enthusiasm of these volunteers has been overwhelming," said John Heyburn, who is coordinating Class Agent efforts. "Their work is chiefly responsible for this year's successes."

In another development involving gifts to the law school, Dean Thomas P. Lewis recently announced the receipt of a sizeable gift from the Roy W. Moreland estate to establish a Moreland Scholars Fund for the benefit of needy law students. The College also has been recently bequeathed the library of the late James W. Smith of Middlesboro, a graduate of the old Cumberland School of Law in Tennessee.

College of Law Fund books close at the end of January. A comprehensive report will be published in the next issue of the Review.



# Board Reviews Several Topics During Homecoming

On Saturday morning, November 11, during Homecoming, the Board of Directors of the Law Alumni Association met to discuss annual projects and hear Dean Lewis review the recently received report of the ABA-AALS Visiting Committee.

The Board agreed on a method to recruit Area Agents for the Fund drive, established an Alumni Achievement Recognition Committee, and formed a group to plan the 1979 Annual Meeting program, which will be held May 24 at the Hyatt Regency in Lexington. The program will honor Professor Paul Oberst who retires in the Spring of 1979.

Present at the Board meeting were Directors Steven L. Beshear, Marilyn S. Daniel, Charles E. English, Hugh B. Hall, Jr., John S. Heyburn, II, Arloe W. Mayne, John D. McCann, John D. McGarvey, Alfred A. Naff, R. William Tooms, Howard E. Trent, Jr., J. Quentin Wesley and Carroll D. Stevens.



J. Quentin Wesley makes a point to the other Law Alumni Directors including William Tooms, at his left with back to camera; Howard E. Trent Jr., across table; John D. McCann, right, and Assistant Dean Paul C. Van Booven, at end of table.

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